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Paper No. 7

In re Application of
Hsin-Chi Chen
Application No. 10/040,494
Filed: January 9, 2002
Attorney Docket No. DED/3098/103

: DECISION ON PETITION

:

This is a decision on the petition filed on November 14, 2003 by which petitioner requests withdrawal of the Notice of Abandonment dated September 12, 2003 and restarting of the time period in which to file a reply to the outstanding Office letter dated February 4, 2003. The petition is being considered pursuant to 37 CFR 1.181, and no petition fee is required.

The petition is dismissed.

Petitioner alleges that this application is not abandoned and that the period for filing a reply to the outstanding Office action should be restarted because the outstanding Office letter was not mailed to the correct correspondence address of record. In support of this allegation, petitioner has submitted a copy of a paper styled "Change of Address" that requests that the correspondence address for this application be changed effective March 18, 2002. However, petitioner has not provided any evidence showing that this paper was actually filed in the Office, such as a copy of a post card filing receipt therefor. Absent evidence that establishes that a change of correspondence address was filed prior to the mailing of the outstanding Office letter, there is insufficient evidence to support a holding that this application is not abandoned due to failure to receive the outstanding Office letter.

Petitioner may file a renewed petition, without fee. The renewed petition should provide evidence showing that a request to change of correspondence address was filed in this application prior to February 4, 2003. The renewed petition must be filed within two months of the date of this Decision. See 37 CFR 1.181(f).

The application is being retained in Technology Center 3700 pending further action by petitioner.

PETITION DISMISSED.

E. Rollins-Cross, Director
Technology Center 3700

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